

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

David Bourke)	
)	
<i>Plaintiff</i>)	
)	No. 08-cv-7200
<i>-vs-</i>)	
)	<i>(Judge Zagel)</i>
County of DuPage, Alexander)	
McGimpsey, Illinois State Police,)	
and Illinois Department of)	
Corrections,)	
)	
<i>Defendants.</i>)	

ORDER

This case is before the Court on plaintiff's "MOTION TO REQUIRE ILLINOIS STATE POLICE TO CORRECT ERRONEOUS INFORMATION." The Court has considered said motion and finds as follows:

1. Plaintiff's criminal history, as maintained by the Illinois State Police, includes erroneous entries about an arrest in 1979 by the police department of Palos Heights, Illinois, and another arrest in 1979 by the Cook County Sheriff's police. These entries are referred to in the rap sheet as:

- a. NCIC IL0168500, Palos Heights Police Department
- b. NCIC IL0160000, Cook County Sheriff's Office

c. NCIC IL016013A, Cook County State's Attorney

d. NCIC IL016025J, Cook County Circuit Court

2. The Palos Heights Police Department has destroyed all of its files from 1979.

3. The State's Attorney of Cook County has conducted a diligent search of its records and has been unable to locate any record relating to the arrests described in paragraph 1 above.

4. Plaintiff has unsuccessfully requested the Illinois State Police to correct its records about the arrests described in paragraph 1 above.

5. Illinois law, 20 ILCS §2635/14, authorizes a court to grant an "equitable remedy" to correct an erroneous rap sheet under the circumstances of this case.

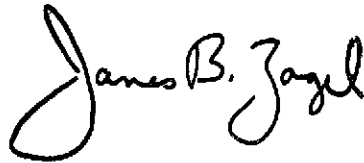
6. This Court has jurisdiction pursuant to 28 U.S.C. §1367 to grant the "equitable remedy" specified in 20 ILCS §2635/14.

7. The Court concludes that plaintiff is entitled to an "equitable remedy" authorized by 20 ILCS §2635/14 and that plaintiff is continuing to suffer irreparable harm from the erroneous entries on his rap sheet.

Accordingly, IT IS ORDERED that the Illinois State Police shall delete from its records the following erroneous information concerning plaintiff:

- a. NCIC IL0168500, Palos Heights Police Department
- b. NCIC IL0160000, Cook County Sheriff's Office
- c. NCIC IL016013A, Cook County State's Attorney
- d. NCIC IL016025J, Cook County Circuit Court

ENTER:



James B. Zagel
United States District Judge

9/10/2014

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